

2771-669

Section II. (Remarks)

The pending claims in the application are claims 1-36. All claims have been amended herein to specify the invention in a manner demarcating patentable subject matter of applicants' invention.

All previously pending claims 1-36 have been amended. In consequence, the §112 rejection of claim 4 and the objection to claims 8 and 9 previously on file, have been mooted.

Independent apparatus claim 1 has been amended to recite the vessel as being at least partially "shrink-wrapped in a film in a compressive state against adjacent exterior surface of the vessel, wherein the shrink-wrapped film encloses or constitutes a colorimetric member effective in exposure to fluid leaking from the vessel to change color, thereby providing a visually perceptible response to a leakage event."

Independent method claim 19 has been correspondingly amended.

All other claims 2-18 and 20-36 are of dependent form under the respective independent claims 1 and 19.

The claims as amended are fully consistent with and supported by the original disclosure of the application as filed. No new matter (35 USC 132) has been added.

Claim Interpretation

In the Office Action, the examiner construed the term "shrink-wrap film" as any plastic film or those films made of the same material as specified by applicants.

In response, independent claims 1 and 19 have been amended to recite that at least a portion of the fluid storage and dispensing vessel is "shrink-wrapped in a film in a compressive state against adjacent exterior surface of the vessel, wherein said shrink-wrapped film encloses or constitutes

2771-669

a colorimetric member effective in exposure to fluid leaking from the vessel to change color, thereby providing a visually perceptible response to a leakage event.”

In this respect, the examiner’s attention is directed to the specification at page 6, paragraph [0023], page 7, paragraph [0028], and page 11, paragraph [0045] as reflecting the specific character of shrink-wrapping and shrink-wrappable films.

Rejection of Claims and Traversal Thereof

In the October 3, 2005 Office Action, claims 1-36 as previously pending were rejected on reference grounds, including:

- a rejection of claim 4 under 35 U.S.C. §112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- a rejection of claims 1-4, 6-13, 15-22, 24-31 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Puri, et al. (U.S. Publication No. 2004/0115818);
- a rejection of claims 1-6 and 19-24 are rejected under 35 U.S.C. 102(b), as being anticipated by Kuepper, et al. (U.S. Patent No. 6,323,032);
- a rejection of claims 1 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Christie (U.S. Patent No. 4,408,480);
- a rejection of claims 1-4, 6-13, 15-22, 24-31, 33-36 under 35 U.S.C. 102(b) as being anticipated by Stenholm, et al. (U.S. Patent No. 6,093,572);
- a rejection of claims 1-36 under 35 U.S.C. 102(b) as being anticipated by Moore (U.S. Patent No. 5,447,688);
- a rejection of claims 1-4, 6, 19-22 and 24 under 35 U.S.C. 102(b) as being anticipated by Mallow, et al. (U.S. Patent No. 5,322,797);
- a rejection of claims 1-4, 6, 19-22 and 24 under 35 U.S.C. 102(b) as being anticipated by Wegrzyn (U.S. Patent No. 4,822,743);
- a rejection of claims 1-12, 15, 19-30 and 33 under 35 U.S.C. 102(b) as being anticipated by Matthiessen (U.S. Patent No. 4,106,428);
- Claims 14 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puri, et

2771-669

al. (U.S. Publication No. 2004/0115818)

These rejections are traversed and reconsideration of the patentability of the pending claims 1-36 as amended is requested in light of the following remarks.

Patentable Distinction of Claims 1-36 as Amended

As indicated, claims 1 and 19, from which all other pending claims are dependent, have been amended herein to require at least a portion of the fluid storage and dispensing vessel to be “shrink-wrapped in a film in a compressive state against adjacent exterior surface of the vessel, wherein said shrink-wrapped film encloses or constitutes a colorimetric member effective in exposure to fluid leaking from the vessel to change color, thereby providing a visually perceptible response to a leakage event.”

Concerning the rejections of claims under §102, none of the Puri et al., Kuepper et al., Christie, Stenholm et al., Moore, Mallow et al., Wegrzyn or Matthiessen references contains any disclosure or suggestion of shrink-wrapping a fluid storage and dispensing vessel in a film in a compressive state against the vessel exterior surface, in which the shrink-wrapped film encloses or constitutes a colorimetric member.

“Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Assocs. v. Garlock*, 721, F.2d 1540, 220 USPQ 303 at 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). It is not enough that the prior art reference disclose all the claimed elements in isolation. Rather, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added).

Inasmuch as none of the Puri et al., Kuepper et al., Christie, Stenholm et al., Moore, Mallow et al., Wegrzyn or Matthiessen references contains any disclosure or suggestion of shrink-wrapping

BEST AVAILABLE COPY

2771-669

a fluid storage and dispensing vessel in a film in a compressive state against the vessel exterior surface, in which the shrink-wrapped film encloses or constitutes a colorimetric member, such references cannot anticipate applicants' claims 1 or 19 or claims 2-18 or 20-36 dependent thereunder.

Additionally, it is pointed out that none of such references discloses features of various of the dependent claims, e.g., the use of poly(vinylpyridine) film, a polyvinylalcohol film having copper sulfate incorporated therein, the fluid storage and dispensing vessel containing tris(trifluoromethyl)stibine, the fluid storage and dispensing vessel containing an organometallic compound, shrink-wrapped iron oxide-containing film, shrink-wrapped copper sulfate-containing film, shrink-wrapped copper hydroxide-containing film, etc.

Finally, concerning the §103 rejection of claims 14 and 32, based on Puri et al., as already pointed out, Puri et al. fails to teach or suggest shrink-wrapping a fluid storage and dispensing vessel in a film in a compressive state against the vessel exterior surface, in which the shrink-wrapped film encloses or constitutes a colorimetric member. Since claims 14 and 32 by virtue of their respective dependence on claims 1 and 19, require such shrink-wrapped fluid storage and dispensing vessel, no basis for rejection of claims 14 and 32 is present, and it therefore is respectfully requested that the rejection of claims 14 and 32 on §103 grounds be withdrawn, in view of the patentable merit of such claims.

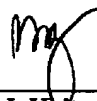
CONCLUSION

Based on the foregoing, all of applicants' now-pending amended claims 1-36 are patently distinguished over the art, and in form and condition for allowance. Favorable action is requested.

2771-669

If any issues remain outstanding, incident to the allowance of the application, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss their resolution, in order that this application may be passed to issue at an early date.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants

**INTELLECTUAL PROPERTY/
TECHNOLOGY LAW**
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 2771-669 (7487)